CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

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Memorandum of the Government of Spain presented on 8 February 1968 to the co-Chairmen of the Conference of the Eighteen-Nation Committee on Disarmament

Nuclear energy is one of the aspects of technical progress that can contribute most decisively to the welfare of all countries; but if its use is not controlled it is capable of destroying man and his work on earth. Hence the imperative need to prevent its use for ends not wholly peaceful. Likewise, until such time as nuclear disarmament and the destruction of atom-bomb arsenals are achieved, an objective which cannot be overlooked in the context of general and complete disarmament, a treaty on the non-proliferation of nuclear weapons would bring the international community nearer to that end.

The mature stage reached by the work of the Eighteen-Nation Committee on Disarmament on the preparation of a draft treaty on non-proliferation of nuclear weapons, and the opportunities that its rules of procedure offer to non-member countries to set forth their ideas, have led the Spanish Government to address to the co-Chairmen some remarks on the text submitted on 18 January last, containing its views on some aspects of the draft which Spain regards as most important.

For many years the Spanish Government has been interested in the peaceful uses of nuclear energy and in prospecting for its sources. As a result Spain is now mining large uranium deposits with highly-favourable prospects of extension. It also has three atomic power stations under construction with an overall rating of more than 1,000 MW, and four others in an advanced stage of design which will certainly double that rating in the very near future.

The measures in the new draft concerning the right to participate as fully as possible in scientific and technical information for the peaceful uses of atomic energy are sound, and can have important effects on the development of non-nuclear countries. Nevertheless, the Spanish Government takes the view that this information should refer specifically to the entire technology of reactors and fuels.

In regard to the measures proposed in paragraph 2 of article X of the draft, the Spanish Government considers too long the period of 25 years which is specified before a conference would decide whether the treaty is thereafter to continue in force indefinitely or to be extended for a limited period. Likewise, the twenty years between the conference mentioned in paragraph 3 of article VIII and that mentioned in article X is too long a time for the treaty to be adaptable solely through the procedure laid down for introducing amendments, to any fresh circumstances that may arise in the international situation. Thus it seems advisable that conferences like that provided for in article VIII should be held every five years, and that the one mentioned in article X should be held twenty years after the treaty comes into force.

In the Spanish Government's view the vitality of the treaty will be directly proportional to the support it receives from the members of the international community. Thus the important question is not merely the number of ratifying countries, for the purposes both of putting it into force and of introducing amendments, but the nuclear characteristics of the countries whose signature and ratification will help to put it into force. Hence this Government takes the view that the non-nuclear Powers which ratify the treaty and its amendments ought to include the largest possible number of countries having some development in this field. It would therefore be advisable to require that the ratifying countries should include at least twelve which possess power reactors in operation or under construction, or else possess within their territories uranium deposits which have been proved economically exploitable. Lastly, the number of forty for the countries ratifying the treaty seems too small, and should be raised to sixty at least.

In regard to the ratification of amendments, it would seem logical that the procedure for putting them into force should be similar to that proposed for ratifying the treaty, naturally subject to the provision of article VIII, paragraph 2, that amendments shall be binding solely on the parties that ratify them.

The Spanish Government attaches the greatest importance to the content of article VI of the draft. It is indeed essential that non-proliferation shall never be regarded as an end in itself. Actually it is only a stage — one of vital importance to mankind, certainly, but only a stage in the consummation we all seek to achieve: general and complete disarmament under effective international control. Hence this Government considers that the obligations set out in article VI should be strengthened to the maximum by specially including in them the destruction of nuclear weapons and their vehicles, since disarmament will not have any effective reality except under a general scheme which covers nuclear armanent. Though the undertaking to pursue negotiations is of the greatest importance, it seems advisable to specify more concretely the obligations which signatories of the Treaty undertake through this clause.

The Spanish Government attaches the greatest importance to the statements made by the President of the United States of America and by the Government of the United Kingdom to the effect that both these countries are ready to accept the application of the system of safeguards to all their peaceful activities, following the principle set forth in section (b) of paragraph 2 of the operative part of resolution 2028 (XX) of the United Nations General Assembly, which is fundamental in all matters connected with the non-proliferation of atomic weapons. The Spanish Government thinks it necessary that an obligation of this kind should also be included in the text of the treaty, binding all the nuclear Powers, so as to reduce as far as possible the existing discrimination between them and those who do not possess atomic weapons.

Lastly, a feature which the Spanish Government misses in the text submitted to the Conference of the Eighteen-Nation Disarmanent Committee on 18 January last is any measure relating to the guarantees which must be given to non-nuclear countries by signatories possessing nuclear weapons, first that they shall not be attacked or threatened with attack by nuclear weapons, and secondly that, if a nuclear Power not party to the treaty attacks or threatens to attack a non-nuclear signatory, the nuclear parties to the treaty shall react appropriately. The Government of Spain hopes that a formula will be found for a positive solution of this problem, the importance of which has been stressed by most countries and which is fundamental for this Government.